



House of Representatives

File No. 823

General Assembly

January Session, 2001

(Reprint of File Nos. 324 and 726)

Substitute House Bill No. 6954
As Amended by Senate Amendment
Schedule "A" and House Amendment
Schedule "C"

Approved by the Legislative Commissioner
May 25, 2001

AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S AQUACULTURE INDUSTRY.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 22-416 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) For the purposes of this chapter "aquaculture" means the
4 controlled cultivation and harvest in the waters and tidal wetlands of
5 the state of aquatic animals and plants, including but not limited to,
6 oysters, clams, mussels and other molluscan shellfish, lobsters and
7 crabs, fish and commercially important seaweed.

8 (b) Connecticut's aquaculture is an integral part of the
9 environmental resources of the state and provides an irreplaceable
10 economic and recreational asset to the state's citizens. It is therefore
11 declared to be the policy of the state to protect, to the maximum extent
12 reasonable, the state's valuable aquaculture resources.

13 Sec. 2. Subsection (a) of section 16-50p of the general statutes is

14 repealed and the following is substituted in lieu thereof:

15 (a) In a certification proceeding, the council shall render a decision
16 upon the record either granting or denying the application as filed, or
17 granting it upon such terms, conditions, limitations or modifications of
18 the construction or operation of the facility as the council may deem
19 appropriate. The council's decision shall be rendered within twelve
20 months of the filing of an application concerning a facility described in
21 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision
22 (4) of said subsection (a) if the application was incorporated in an
23 application concerning a facility described in subdivision (1) of said
24 subsection (a), and within one hundred eighty days of the filing of any
25 other application concerning a facility described in subdivision (4) of
26 said subsection (a), and an application concerning a facility described
27 in subdivision (3), (5) or (6) of said subsection (a), provided such time
28 periods may be extended by the council by not more than one hundred
29 eighty days with the consent of the applicant. The council shall file,
30 with its order, an opinion stating in full its reasons for the decision.
31 Except as provided in subsection (c) of this section, the council shall
32 not grant a certificate, either as proposed or as modified by the council,
33 unless it shall find and determine: (1) A public need for the facility and
34 the basis of the need; (2) the nature of the probable environmental
35 impact, including a specification of every significant adverse effect,
36 whether alone or cumulatively with other effects, on, and conflict with
37 the policies of the state concerning, the natural environment, ecological
38 balance, public health and safety, scenic, historic and recreational
39 values, forests and parks, air and water purity and fish, aquaculture
40 and wildlife; (3) why the adverse effects or conflicts referred to in
41 subdivision (2) of this subsection are not sufficient reason to deny the
42 application; (4) in the case of an electric transmission line, (A) what
43 part, if any, of the facility shall be located overhead, (B) that the facility
44 conforms to a long-range plan for expansion of the electric power grid
45 of the electric systems serving the state and interconnected utility
46 systems and will serve the interests of electric system economy and
47 reliability, and (C) that the overhead portions of the facility, if any, are

48 cost effective and the most appropriate alternative based on a life-cycle
49 cost analysis of the facility and underground alternatives to such
50 facility, and are consistent with the purposes of this chapter, with such
51 regulations as the council may adopt pursuant to subsection (a) of
52 section 16-50t, and with the Federal Power Commission "Guidelines
53 for the Protection of Natural Historic Scenic and Recreational Values in
54 the Design and Location of Rights-of-Way and Transmission Facilities"
55 or any successor guidelines and any other applicable federal
56 guidelines; (5) in the case of an electric or fuel transmission line, that
57 the location of the line will not pose an undue hazard to persons or
58 property along the area traversed by the line. The terms of any
59 agreement entered into by the applicant and any party to the
60 certification proceeding, or any third party, in connection with the
61 construction or operation of the facility, shall be part of the record of
62 the proceedings and available for public inspection. The full text of any
63 such agreement, and a statement of any consideration therefor, if not
64 contained in the agreement, shall be filed with the council prior to the
65 council's decision. This provision shall not require the public
66 disclosure of proprietary information or trade secrets.

67 Sec. 3. This act shall take effect July 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Connecticut Siting Council

Municipal Impact: None

Explanation**State Impact:**

Requiring the Connecticut Siting Council (CSC) to consider whether the siting of energy and telecommunications facilities will conflict with the state's aquaculture policy will result in a minimal workload increase to the CSC, which can be handled within the agency's normal budgetary resources.

House "A" makes the bill effective July 1, 2001 which results in no fiscal impact.

Senate "A" and House "C" make various other changes which result in no fiscal impact.

OLR Amended Bill Analysis

sHB 6954 (as amended by House "A" and "C" and Senate "A")*

**AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S
AQUACULTURE INDUSTRY****SUMMARY:**

In this bill, the legislature finds that the state's aquaculture is an integral part of its environmental resources and provides an irreplaceable economic and recreational asset to its citizens. The bill declares that it is state policy to protect the state's aquaculture resources to the maximum reasonable extent.

By law, the Connecticut Siting Council must consider the environmental impact of the energy and telecommunications facilities in its jurisdiction in determining whether to approve their construction or modification. The bill specifically requires the council, as part of this process, to determine whether such facilities conflict with state policies regarding aquaculture.

The bill requires the terms of any agreement between the person applying for a council certificate and any other party with regard to a facility's construction or operation be part of the proceedings on the application and be available for public inspection. If any money or other consideration was paid under the agreement and the payment was not contained in the agreement, this information and the full text of the agreement must be filed with the council before it makes its decision. However, this does not require the public disclosure of proprietary information or trade secrets.

*House Amendment "A" makes the bill effective July 1, 2001 rather than upon passage.

*House Amendment "C" adds the provision on the treatment of the agreements.

*Senate Amendment "A" makes it state policy to protect aquaculture resources to the maximum extent "reasonable," rather than "feasible."

EFFECTIVE DATE: July 1, 2001

BACKGROUND

Legislative History

On April 24, the House referred the original version of the bill (File 324) to the Energy and Technology Committee, which reported it unchanged on May 1. On May 8, the House adopted House "A" and passed the bill as amended (File 726). On May 17, the Senate adopted House "A" and Senate "A" and "C." Senate "C" added provisions regarding the treatment of agreements made in connection with council certificates. On May 23, the House adopted Senate "A" but rejected Senate "C." Instead, it adopted House "C," which is identical to Senate "C" but provides that the disclosure of such agreements does not require the disclosure of proprietary information or trade secrets. The House then passed the bill as amended by House "A" and "C" and Senate "A."

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0

Energy and Technology Committee

Joint Favorable Report

Yea 11 Nay 0